

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RICHARD W. MIGLIORE, J.D.,
Plaintiff,**

CIVIL ACTION

v.

NO. 11-4018

**ROBERT L. ARCHIE, JR., ESQUIRE,
Chairman;
DENISE MCGREGOR ARMBRISTER;
JOSEPH A. DWORETZKY, ESQUIRE;
LUCY FERIA, Regional Superintendent;
JAMES DOUGLASS, Assistant Regional
Superintendent;
ESTELLE G. MATTHEWS, Chief Talent
Development Officer;
ANDREW ROSEN, ESQUIRE, Human
Resources Representative;
ARLENE ACKERMAN, Superintendent;
THE SCHOOL DISTRICT OF
PHILADELPHIA;
THE SCHOOL REFORM COMMISSION;
JOHNNY IRIZARRY;
MARY SANDRA DEAN, Principal;
Defendants.**

ORDER

AND NOW, this 16th day of December, 2014, upon consideration of Motion for Entry of Judgment in Favor of the Former Commissioners of the School Reform Commission, Defendants (“defendants’ Motion for Entry of Judgment”) (Document No. 53, filed July 21, 2014); Former Commissioner Joseph A. Dworetzky’s Joinder in the Motion for Entry of Judgment in Favor of the Former Commissioners of the School Reform Commission (“defendant Dworetzky’s Joinder in defendants’ Motion for Entry of Judgment”) (Document No. 54, filed July 21, 2014); Plaintiff’s Memorandum of Law in Opposition to the Motion for Judgment in Favor of Defendant Former Members of the School Reform Commission Filed by Those Defendants on July 21, 2014 (Document No. 58, filed August 4, 2014); Former Commissioner Joseph A.

Dworetzky's Reply in Further Support of the Motion for Entry of Judgment in Favor of the Former Commissioners of the School Reform Commission (Document No. 59, filed August 11, 2014); Reply of the Defendants, the Former Commissioners of the School Reform Commission in Support of Their Motion for Entry of Judgment in Their Favor (Document No. 60, filed August 11, 2014); Plaintiff's Sur-Reply Memorandum of Law in Opposition to Former Commissioner Joseph A. Dworetzky's Reply in Further Support of the Motion for Entry of Judgment in Favor of the Former Commissioners of the School Reform Commission (Document No. 66, filed October 18, 2014); Exhibits in Support of Plaintiff's Sur-Reply Memorandum of Law (Document No. 67, filed October 20, 2014); Former Commissioner Joseph A. Dworetzky's Response to Plaintiff's Sur-Reply (Document No. 71, filed October 28, 2014); Defendants' Motion for Summary Judgment (Document No. 20, filed October 19, 2012), and the related filings of the parties; and Plaintiff's Motion for Summary Judgment (Document No. 22, filed November 9, 2012), and the related filings of the parties, for the reasons set forth in the accompanying Memorandum dated December 16, 2014, **IT IS ORDERED** as follows:

1. Defendant Dworetzky's Joinder in defendants' Motion for Entry of Judgment (Document No. 54) is **GRANTED**;
2. Defendants' Motion for Entry of Judgment (Document No. 53), joined in by defendant Dworetzky, treated as a Motion for Reconsideration of the Court's Memorandum and Order dated August 12, 2013, is **GRANTED**;
3. Those parts of the August 12, 2013 Memorandum (Document No. 30) and Order (Document No. 31) in which defendants' Motion for Summary Judgment was denied with respect to plaintiff's First Amendment retaliation claim against defendants Robert L. Archie, Jr., Joseph A. Dworetzky, Denise McGregor-Armbrister, and Johnny Irizarry are **VACATED**; and

4. Defendants' Motion for Summary Judgment (Document No. 20) is **GRANTED** with respect to plaintiff's First Amendment retaliation claim against defendants Robert L. Archie, Jr., Joseph A. Dworetzky, Denise McGregor-Armbrister, and Johnny Irizarry. Those defendants are **DISMISSED** from the case and shall be **REMOVED** from the caption.

IT IS FURTHER ORDERED that the Court will conduct a telephone conference in due course for the purpose of scheduling further proceedings.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.